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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ERIKA PETERMAN,)	
)	Cause No. CV-17-00066-M-DLC
Plaintiff,)	
)	THE HON. DANA L. CHRISTENSEN
-vs.-)	
)	STATEMENT OF STIPULATED
REPUBLICAN NATIONAL)	FACTS
COMMITTEE,)	
)	
Defendant.)	

In accordance with the Court's Order [Doc. 23], the Plaintiff and Defendant,
by their respective counsel of record, hereby stipulate to the facts set forth below:

- 1) Erika Peterman is a resident of Missoula, Montana.

2) The Republican National Committee (“RNC”) is a non-profit U.S. political party organization under Section 527 of the tax code that is engaged in promoting Republican candidates for public office, advancing the Republican Party’s policy agenda, and managing grassroots political programs nationwide.

3) The RNC engaged in activities through an independent expenditure unit in support of Greg Gianforte’s candidacy in Montana’s special election to fill its lone Congressional seat.

4) Ms. Peterman contracted with the Montana Democratic Party to photograph an event known as the Mansfield-Metcalf Dinner (the “2017 Mansfield-Metcalf Dinner”).

5) The Montana Democratic Party paid Ms. Peterman \$500 to photograph the 2017 Mansfield-Metcalf Dinner.

6) The Montana Democratic Party asked Ms. Peterman to take photographs of Rob Quist.

7) At the time of the 2017 Mansfield-Metcalf Dinner, Mr. Quist was the Democratic candidate in a special election to fill Montana’s seat in the United States House of Representatives.

8) At the 2017 Mansfield-Metcalf Dinner, Ms. Peterman took a photograph of Candidate Quist. The resulting photograph featured the back of Rob Quist's head in a cowboy hat as he looked towards an otherwise dark background with three stage lights in the distance ("Quist Photograph").

9) Ms. Peterman took the Quist Photograph as part of her engagement with the Montana Democratic Party.

10) On March 21, 2017, Ms. Peterman delivered her photographs from the 2017 Mansfield-Metcalf Dinner, including the Quist Photograph to the Montana Democratic Party. The method of delivery was an upload of the Quist Photograph to a secure website to which only Peterman and her clients had access.

11) On or around March 20, 2017, Mr. Quist's campaign uploaded a copy of the Quist Photograph to Candidate Quist's Facebook page.

12) The version of the Quist Photograph published on the Quist campaign's Facebook page did not include a copyright symbol or a copyright ownership legend.

13) A true and accurate copy of the RNC Mailing referenced in the Complaint is attached hereto as **Ex. A**.

14) On May 12, 2017, Ms. Peterman filed to register a photograph with the U.S. Copyright Office under the title “Rob Quist.” Ms. Peterman obtained a certificate of registration from the U.S. Copyright Office for her photograph, “Rob Quist.”

15) Ms. Peterman did not register any other photographs that she took at the 2017 Mansfield-Metcalf Dinner with the U.S. Copyright Office.

16) Between March 18, 2017 and May 9, 2017, Ms. Peterman did not provide a limited license for the Quist Photograph to anyone other than the Montana Democratic Party and Mr. Quist’s campaign.

17) Ms. Peterman did not receive any compensation from the Montana Democratic Party or from Mr. Quist’s campaign for the limited license to use the Quist Photograph.

18) Neither the Montana Democratic Party nor Mr. Quist’s campaign reported receiving an in-kind contribution from Ms. Peterman for their use of the Quist Photograph or any other photographs from the 2017 Mansfield-Metcalf Dinner.

19) Prior to filing the Complaint, Ms. Peterman never reported to the Montana Democratic Party nor the Quist Campaign the value of any in-kind contribution for their use of the Quist Photograph or any other photographs from the 2017 Mansfield-Metcalf Dinner.

DATED this 14th day of June, 2018.

/s/ Erin M. Erickson
Erin M. Erickson
BOHYER, ERICKSON,
BEAUDETTE & TRANEL, P.C.
Attorneys for Plaintiff

DATED this 14th day of June, 2018.

/s/ Mark S. Williams
Mark S. Williams
Williams Law Firm, P.C.
Attorneys for Defendant

DATED this 14th day of June, 2018.

/s/ Ari S. Meltzer
Ari S. Meltzer
Wiley Rein LLP
Attorneys for Defendant (pro hac vice)

CERTIFICATE OF SERVICE

I, the undersigned, a representative of the law firm of Bohyer, Erickson, Beaudette & Tranel, P.C., hereby certify that I served a true and complete copy of the foregoing on the following persons by the following means:

<u>1-3</u>	CM/ECF
<u> </u>	Hand Delivery
<u> </u>	Mail
<u> </u>	Overnight Delivery Service
<u> </u>	Fax
<u> </u>	E-Mail

1. Clerk, U.S. District Court
2. Mark S. Williams, Esq.
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Attorneys for Defendant (*pro hac vice*)

DATED this 14th day of June, 2018.

/s/ Erin M. Erickson
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